

**MR. CLAYTON-M. BERNARD-EX.**

By: Mr. Clayton-M. Bernard-Ex.  
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*Petitioner In Propria Persona;*  
*and Attorney-in-fact for*  
**MR. CLAYTON-M. BERNARD-EX.**

## THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

In re: **MR. CLAYTON-M. BERNARD-EX.**,  
Petitioner.

Case No.: [To Be Assigned]

### **EMERGENCY PETITION FOR WRIT OF MANDAMUS**

(Pursuant to 28 U.S.C. § 1651 and Federal  
Rule of Appellate Procedure 21)

Related to Appeal No. **25-3420**

Originating Court: U.S. District Court  
for the District of Nevada

Case No. **2:24-cv-02114-JAD-DJA**

Judge: Hon. Jennifer A. Dorsey

### **EMERGENCY PETITION FOR WRIT OF MANDAMUS** (Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21)

### **INTRODUCTION**

Petitioner, **Mr. Clayton-M. Bernard-Ex.**, appearing *In Propria Persona*, respectfully  
petitions this Court for issuance of a Writ of Mandamus compelling the United States  
District Court for the District of Nevada to:

- Vacate all orders entered in violation of clearly established constitutional and international law;
- Acknowledge Petitioner's secured legal identity and diplomatic status;
- Dismiss all proceedings instituted without jurisdiction, verified complaint, or injured party.

Petitioner has no other adequate means of relief. This Petition arises from a years-long pattern of judicial misconduct, unlawful representation, and refusal to acknowledge Petitioner's recognized diplomatic position under international treaty.

### **JURISDICTION**

This Court has jurisdiction under **28 U.S.C. § 1651(a)**, which empowers the Courts of Appeals to issue “**all writs necessary or appropriate in aid of their respective jurisdictions.**” The District Court has refused to apply settled constitutional principles and has entered ultra vires orders against Petitioner, violating his due process, international immunities, and treaty protections.

### **RELIEF REQUESTED**

Petitioner respectfully seeks a writ of mandamus directing the U.S. District Court for the District of Nevada to:

1. **Vacate the order dated January 28, 2025;**
2. **Acknowledge and enforce** Petitioner's **legal identity** and **name change order** entered in Clark County District Court (Case No. D-19-596866-N);
3. **Recognize Petitioner's diplomatic status** under international law and treaty;
4. **Disqualify any court-appointed counsel** who has acted without Petitioner's consent, particularly those named in active federal civil rights litigation (e.g., Case No. 2:24-cv-02195-BNW);
5. **Dismiss all lower court proceedings** initiated without valid jurisdiction, verified complaint, or identifiable injured party.

### **STATEMENT OF FACTS**

- Petitioner was **arrested and prosecuted on a recalled warrant**, without a sworn complaint or lawful process;

- His **name change was entered into the court record in 2019** but has been continuously ignored;
- The District Court **imposed representation** by attorneys currently named in Petitioner's **active federal civil rights lawsuit**;
- **No subject matter jurisdiction** was ever established in the lower court;
- Petitioner is a **recognized Diplomatic Ambassador and Plenipotentiary** of the Ethiopian World Federation, Intergovernmental Organization (EWF-IGO), since 2007—rights protected under international law;
- Petitioner's pro se filings were improperly blocked and reclassified, violating **Smith v. Barry**, 502 U.S. 244 (1992).

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. Mandamus Is Warranted Where No Other Adequate Remedy Exists**

Under **Cheney v. U.S. Dist. Ct. for D.C.**, 542 U.S. 367, 380 (2004), mandamus is appropriate where:

1. The petitioner has **no other adequate means of relief**;

2. The **right to issuance of the writ is clear and indisputable**;
3. The writ is **appropriate under the circumstances**.

Petitioner satisfies all three requirements. All lower courts have refused to correct procedural and constitutional violations. No alternative relief exists that can restore the status quo or protect the rights at issue.

## **II. The Bauman Factors Support Mandamus Relief**

Under **Bauman v. U.S. Dist. Ct.**, 557 F.2d 650 (9th Cir. 1977), and **In re Mersho**, 6 F.4th 891, 897 (9th Cir. 2021), five factors determine whether mandamus should issue:

1. **No other adequate remedy exists**;
2. **Petitioner will suffer irreparable harm** not correctable on appeal;
3. The district court's order was **clearly erroneous as a matter of law** (e.g., *Faretta v. California*, 422 U.S. 806);
4. The error is **repetitive and systemic** (across dockets since 2017);

5. The issue is of **broad public and institutional importance** (jurisdiction, diplomatic immunity, civil rights).

All five Bauman factors weigh heavily in favor of issuance of the writ.

### **III. Pro Se Filings Must Be Liberally Construed**

Per **Smith v. Barry**, 502 U.S. 244, 248–49 (1992), and **Erickson v. Pardus**, 551 U.S. 89 (2007), pro se pleadings must be interpreted liberally and functionally. The February 28, 2025 filing must be deemed a valid notice of appeal, triggering this Court’s jurisdiction.

### **IV. International Law Prohibits Jurisdiction Over Recognized Diplomats**

Petitioner is a diplomatic official of a sovereign intergovernmental organization and protected under:

- The **Vienna Convention on Diplomatic Relations**,
- Customary international law,
- The United States’ ratification of such treaty obligations.

Refusal by the District Court to acknowledge Petitioner’s immunity violates binding international norms and renders all rulings **void ab initio**. See **United States v. Enger**,

472 F. Supp. 490 (D.N.J. 1978) (affirming diplomatic immunity applies regardless of U.S. domestic objections when treaty status exists).

## **CONCLUSION**

Petitioner has no remedy except through this extraordinary writ. The District Court's refusal to recognize identity, jurisdictional limits, and diplomatic rights constitutes judicial misconduct and denies access to fundamental justice.

**WHEREFORE, Petitioner respectfully prays that this Honorable Court:**

- Issue a writ of mandamus immediately vacating the January 28, 2025 order;
- Direct the District Court to acknowledge Petitioner's legal name and diplomatic status;
- Strike all lower court proceedings initiated without proper jurisdiction or standing;
- Grant any other relief the Court deems just and proper in aid of its supervisory power.



Dated: **June 03 2025.**

**Respectfully submitted,**

*By: Mr. Clayton-M. Bernard-Ex. UCC 1-328  
All rights reserved.*

**MR. CLAYTON-M. BERNARD-EX.**

By: Mr. Clayton-M. Bernard-Ex.

*Plenipotentiary, Ambassador, Special Envoy,  
and Attorney-in-fact.*

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## **CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 21(d) and Ninth Circuit Rule 32-1, I certify that:

- This Petition for Writ of Mandamus complies with the word limitation set forth in Fed. R. App. P. 21(d);
- It contains **fewer than 7,800 words**, excluding the cover page, table of contents, table of authorities, certificate of compliance, and certificate of service, as counted using a word-processing system;
- It is prepared in a proportionally spaced typeface using **14-point Times New Roman** font and complies with the type-style requirements of Fed. R. App. P. 32(a)(5) and (6).

## **CERTIFICATE OF SERVICE**

I certify that on this 3rd day of June 2025, I served a true and correct copy of the forgoing **EMERGENCY PETITION FOR WRIT OF MANDAMUS (Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21)** through ACMS/CM/ECF Electronic Filing system (or. If necessary, by U.S. Mail, first class, postage (pre-paid), upon the following:

**DATED** this 3rd day of June 2025.

*By: Mr. Clayton-M. Bernard-Ex., UCC 1-328  
All rights Reserved*

**MR. CLAYTON-M. BERNARD-EX.**

By: Mr. Clayton-M. Bernard-Ex.

10120 W. Flamingo Rd, Ste 4-215

Las Vegas, NV 89147

Tel: 702-356-3066

Email: mr.claytonm.bernardex@gmail.com

***Appellant, In Propria Persona and  
Attorney-in-fact.***

### **Appellee:**

#### **STATE OF NEVADA**

Office of the Attorney General

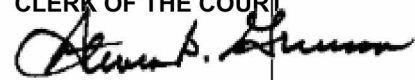
100 N. Carson Street

Carson City, NV 89701

## **EXHIBIT A**

## **EXHIBIT A**

Electronically Filed  
11/19/2019 1:20 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 **ORDR**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 In the Matter of the Application  
7 of:

Case No.:

D-19-596866-N

Department: B

8  
9 Clayton Mahola Bernard,  
10 For Change of Name.

11 **ORDER FOR CHANGE OF NAME**

12 UPON REVIEW of the verified Petition for Change of Name submitted  
13 by Clayton Mahola Bernard, the same having come before the above-entitled  
14 Court;  
15

16 IT IS HEREBY ORDERED that the name of the Petitioner, who has  
17 resided in Clark County, Nevada since November 3, 2018 and intends to live in  
18 Clark County, Nevada indefinitely, be legally changed from:

19 (old) Clayton Mahola Bernard

20  
21 (first)

(middle)

(last)

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

**Non-Trial Dispositions:**  
☐ Other  
☐ Dismissed - Want of Prosecution  
☐ Involuntary (Statutory) Dismissal  
☐ Default Judgment  
☐ Transferred  
**Trial Dispositions:**  
☐ Disposed After Trial Start  
**Settled/Withdrawn:**  
☒ Without Judicial Conf/Hrg  
☐ With Judicial Conf/Hrg  
☐ By ADR  
☐ Judgment Reached by Trial

To (new) Mr. Clayton-M. Bernard-Ex.

(first)

(middle)

(last)

Dated this 19<sup>th</sup> day of November, 2019.

  
DISTRICT COURT JUDGE

LINDA MARQUIS

November 9, 2020



CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))